

REMARKS

The Examiner rejected claims 1, 3, 8, 10, 12, 13, 15, 17, 19-21, 26, 28, and 30-33, while withdrawing claims 2, 4-7, 11, 18, 23-25, 29, and 34-49 from further consideration. Claims 1-8, 10-13, 15, 17-21, 23-26, and 28-49 remain pending.

Independent claims 1, 21, and 34 and dependent claims 13, 31, and 42 have been amended herein to recite an external twisting, bending, or squeezing force. For example, claim 1 has been amended to recite that the at least one fluid barrier is designed and arranged to be ruptured by an external twisting, bending, or squeezing force to allow the fluid passage. Applicants' specification fully supports these amendments. For example, page 13, lines 24-30 disclose rupturing a fluid barrier by means of twisting, bending, or squeezing. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 1, 3, 8, 10, 12, 13, 15, 17, 19-21, 26, 28, and 30-33. Applicants also respectfully request rejoinder, examination, and allowance of withdrawn claims 2, 4-7, 11, 18, 23-25, 29, and 34-49.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 3, 12, 19, 21, 30, and 32 under 35 U.S.C. § 102(b) as allegedly being anticipated by the Quick *et al.* reference (U.S. Patent No. 3,976,073).

Applicants respectfully disagree. To further prosecution, however, independent claim 1 has been amended herein to recite a fluid transfer assembly having at least one fluid barrier that is designed and arranged to be ruptured by an external twisting, bending, or squeezing force to allow the fluid passage, while independent claim 21 has been amended herein to recite a drug container having a fluid barrier that is able to be ruptured by an external twisting, bending, or squeezing force. At no point does the Quick *et al.* reference disclose such a fluid transfer assembly or drug container. In fact, the Quick *et al.* reference discloses that diaphragm 38 is ruptured by the internal rupturing force of needle 18. Thus, the Quick *et al.* reference does not anticipate the presently claimed fluid transfer assemblies or drug containers.

In light of the above, Applicants respectfully request withdrawal of the rejections of claims 1, 3, 12, 19, 21, 30, and 32 under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 8, 10, 20, 26, 28, and 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Quick *et al.* reference (U.S. Patent No. 3,976,073) in view of the Scarrow reference (U.S. Patent No. 5,061,264). The Examiner also rejected claims 13 and 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Quick *et al.* reference (U.S. Patent No. 3,976,073) in view of the Haber *et al.* reference (U.S. Patent No. 5,593,028). In addition, the Examiner rejected claims 15 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Quick *et al.* reference (U.S. Patent No. 3,976,073) in view of the Vaillancourt reference (U.S. Patent No. 5,897,526).

Applicants respectfully disagree. Again, to further prosecution, independent claim 1 has been amended herein to recite a fluid transfer assembly having at least one fluid barrier that is designed and arranged to be ruptured by an external twisting, bending, or squeezing force to allow the fluid passage. In addition, independent claim 21 has been amended herein to recite a drug container having a fluid barrier that is able to be ruptured by an external twisting, bending, or squeezing force. At no point do the combinations of cited references teach, suggest, or provide any rationale that a person having ordinary skill in the art should make or use such fluid transfer assemblies or drug containers. In fact, at no point do the combinations of cited references provide any teaching, suggestion, or motivation that would have directed a person having ordinary skill in the art to use a fluid barrier capable of being ruptured by an external twisting, bending, or squeezing force as recited in the presently claimed fluid transfer assemblies or drug containers. Thus, the presently presented claims are patentable over these combinations of cited references.

In light of the above, Applicants respectfully request withdrawal of the rejections of claims 8, 10, 13, 15, 17, 20, 26, 28, 31, and 33 under 35 U.S.C. § 103(a).

CONCLUSION

Applicants respectfully assert that claims 1, 3, 8, 10, 12, 13, 15, 17, 19-21, 26, 28, and 30-33 are in condition for allowance, which action is requested. Applicants also respectfully request rejoinder, examination, and allowance of withdrawn claims 2, 4-7, 11, 18, 23-25, 29, and 34-49. The Examiner is invited to telephone the undersigned attorney if such would expedite prosecution. Please apply any charges or credits for additional claim fees to deposit account 06-1050.

Respectfully submitted,

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